

AMENDMENT AFTER FINAL
April 10, 2006

BLD920020007US1
Serial No. 10/065,745

REMARKS

Claims 1 – 11 remain in the application and stand finally rejected. A proposed amendment is offered herein, amending claims 5, 6, 9, 10 and 11. No new matter has been added.

Claims 10 and 11 are objected to for not using possessive nouns. Partially responsible thereto, claims 10 and 11 are amended herein. Entry of the amendment, reconsideration and withdrawal of the objection to claims 10 and 11 is respectfully requested.

Claims 1 and 3 are finally rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,825,943 to Barry et al. in view of U.S. Patent No. 6,315,390 to Fujii. Claims 2 and 6 – 11 are finally rejected under 35 USC §103(a) as being unpatentable over Barry et al. and Fujii in further view of U.S. Patent No. 6,532,016 to Venkateswar et al. Claims 4 and 5 are finally rejected under 35 USC §103(a) as being unpatentable over Barry et al. and Fujii in further view of U.S. Patent No. 5,946,460 to Hohensee et al.

In finally rejecting claim 1 and 3, it is asserted that Barry et al. discloses the “sequencer ([by] instruction operator for job file 114 of Fig. 1a) which has an output port which communicates with the input ports of said plurality of raster image processors (col. 4, lines 34-40)... .” Fujii et al. is relied upon solely to “disclose a plurality of print head drivers,” Regarding claims 4 and 5, Hohensee et al. is cited to “disclose each of said raster image processors converts data from a form communicated as a print data stream into a variable number of portions depending upon whether an individual page is to be blank or to be printed with a single color or to be printed with multiple colors (col. 4, lines 53-60).” With respect to claims 2 and 6 – 11, Venkateswar et al. is cited to disclose “queuing packaged individual page data to be communicated to said raster image processors... (col. 2 lines 21 – 28).” The final rejection is respectfully traversed.

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The applicants previously noted that the instruction operator 114 of Barry et al. is not networked with the RIP engines and certainly not connected to the RIP engine inputs. The final Office action responds that "Barry et al. disclose (sic) an instruction operator which communicates with a plurality of RIP engines (col. 4, lines 34-40). These components can be considered networked because the instruction operator is able to direct information to the RIP engines. This is **similar** to two computers that are connected to the Internet however they are not directly connected to each other. (emphasis added)" The MPEP, §2111, entitled, "Claim Interpretation; Broadest Reasonable Interpretation" provides in pertinent part "CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION During patent examination, the pending claims must be 'given *>their< broadest **reasonable** interpretation consistent with the specification.' >*In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000)" (emphasis added). That "broadest reasonable interpretation of the claims **must also be consistent** with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999)." *Id.* (emphasis added). Alleging that "because the instruction operator is able to direct information to the RIP engines," it is "**similar** to two computers that are connected to the Internet however" is analogous to alleging that a rocket is similar to a jet.

Barry et al. discloses an "[i]nstruction operator for job file 114 that is connected to a distributor 118 in Figures 1a and b." col. 3, lines 22 - 23. Further, "the distributor block 118 is provided to distribute in multiple print job files, each multiple thereof having a select portion of the print job which was segmented or portioned by instruction operator 114 for processing according to separate processes in a plurality of parallel sections of the print system illustrated in FIFS. 1a and 1b." col. 5, lines 8 - 13. Clearly, the Barry et al. distributor 118 has a fixed number of outputs. Therefore, without changing or replacing the Barry et al. distributor 118, the Barry et al. system is limited to handling only that fixed number of output paths. By contrast, according the present application, "each controller can be configured, by adding RIP machines and connecting networks, to suit

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the needs of each customer.” Paragraph 0010 and see claims 10 and 11 as amended. Clearly, this is not possible with the Barry et al. distributor 118. Accordingly, the instruction operator 114 of Barry et al. is not networked with the RIP engines and certainly not connected to the RIP engine inputs. Neither is this suggested by any reference of record or, does this result from combining Barry et al. with Fujii et al., alone or with any reference of record. Accordingly, the combination of Barry et al. with Fujii et al. does not result in the present invention as recited in claims 1 and 3.

Neither do any of Barry et al., Fujii et al., Hohensee et al. or Venkateswar et al. teach or suggest adding or removing raster image processors at the sequencer output port as recited in claims 10 and 11 as amended. Thus, neither does the combination of Barry et al. with Fujii et al., alone or further in combination with any reference of record, suggest or result in the present invention as recited in claims 10 and 11.

Furthermore, claim 5 is amended to recite that the “pipeline of elements [are] connected between a print server and a printer and processing print control data from said print server,” which is neither taught nor suggested by any reference of record. In particular, Fujii et al., which is cited to teach multiple print head drivers, teaches an ink jet head in an ink jet printer 150. See, e.g., Figures 11 – 13. Thus, while Fujii et al. may teach multiple print head drivers, they are all located in the Fujii et al. printer 150. Thus, the combination of Barry et al. with the Fujii et al. printer 150 does not result in “pipeline of elements connected between a print server and a printer and processing print control data from said print server,” as recited in claim 5, as amended. This amendment to claim 5 is supported in the specification at paragraph 0021 with reference to Figure 1. No new matter is added. Accordingly, claim 5 as amended is believed to be allowable over all references of record.

Neither Venkateswar et al. nor Hohensee et al. adds anything that was missing from the combination of Barry et al. or Fujii et al. to result in the present invention as recited in claim 1, much less dependent claims 2 – 4, which depend therefrom. Furthermore, since dependent claims include all of the differences with the references as

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the claims from which they depend, the combination of Barry et al. and Fujii et al. in further combination with Venkateswar et al. or Hohensee et al., or any reference of record, does not result in the present invention as recited in claims 2 – 4. Reconsideration and withdrawal of the rejection of claims 1 – 5, 10 and 11 under 35 U.S.C. §103(a) over is respectfully requested.

Regarding the rejection of claims 6 – 9, claim 6 is amended to recite “receiving a print data stream from a print server” and that “the generated print head driving data signals [are communicated] to a printer and to the print heads of said printer.” Lines 2 and 10 – 11; and see claim 9. As noted hereinabove, this is neither taught nor suggested by any reference of record. Further, claim 6 is amended to recite “communicating queued packaged print stream data portions directly over a network to a plurality of raster image processors” at lines 5 – 6. Again, this is quite different than an instruction operator 114 passing a data stream to a distributor 118 that “provides the print job file 104 including a first select portion 140 along a line 142 to a first RIP engine 150.” *Supra*. Accordingly, the combination of Barry et al. with Fujii et al. and Venkateswar et al., or with any other reference of record, does not result in the present invention as recited in claim 6 or 9. Since dependent claims include all of the differences with the references as the claims from which they depend, neither Barry et al., Fujii et al. or Venkateswar et al. teaches or suggests the present invention as recited in claim 7 or 8. Reconsideration and withdrawal of the rejection of claims 6 – 9 under 35 U.S.C. §103(a) is respectfully requested.

The applicants thank the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance, both for the amendment to the claims and for the reasons set forth above, the applicants respectfully request that the Examiner reconsider and withdraw the final rejection of claims 1 – 11 under 35 U.S.C. §103(a), and allow the application to issue.

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The applicants note that MPEP §706 "Rejection of Claims," subsection III, "PATENTABLE SUBJECT MATTER DISCLOSED BUT NOT CLAIMED" provides in pertinent part that

If the examiner is satisfied after the search has been completed that patentable subject matter has been disclosed and the record indicates that the applicant intends to claim such subject matter, he or she may note in the Office action that certain aspects or features of the patentable invention have not been claimed and that if properly claimed such claims may be given favorable consideration. (emphasis added.)


The applicants believe that the written description of the present application is quite different than, and not suggested by, any reference of record. Accordingly, should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below for a telephonic or personal interview to discuss any other changes.

Please charge any deficiencies in fees and credit any overpayment of fees to IBM Corporation Deposit Account No. 50-3669 and advise us accordingly.

Respectfully Submitted,

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(Date)

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